

are grandfathered into subsidies up to 65 percent. These are homes that were built before 1975 or when their area's flood mapping was actually done. These primary residences enjoy this subsidy, and will continue to under the current bill.

What my amendment does not do is change the insurance rates or the subsidy for those who are grandfathered into the current rate that we call pre-firm, or before flood insurance rate maps were completed; in other words, these are folks who could legitimately have said they did not know they were in a flood plain when they bought their home. I think their rates and subsidies should stay the same.

What my amendment does is make the premiums for pre-firm properties sold after this bill's enactment the same actuarial rates of homes that were built after the new mapping was complete, or post-firm. So it is a relatively simple amendment, and I think it gives more equity to the total bill by making sure all properties are eventually treated equally.

So I will provide more detail tomorrow, but I hope the chairman will consider both of those amendments because I would love to have his support.

With that, I yield the floor.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT—MOTION TO PROCEED

Mr. DODD. Mr. President, I ask unanimous consent that upon the disposition of H.R. 3121, the House-passed Flood Insurance Act, the Senate proceed to the consideration of Calendar No. 275, H.R. 980, an act to provide collective bargaining rights for public safety officers employed by States and political subdivisions.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, I wonder if consent would be granted to proceed to H.R. 980 at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, in light of these objections, I now move to pro-

ceed to Calendar No. 275, H.R. 980, and I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 275, H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Edward M. Kennedy, Robert Menendez, Russell D. Feingold, Patty Murray, Daniel K. Inouye, Amy Klobuchar, Debbie Stabenow, Ron Wyden, Barbara Boxer, Christopher J. Dodd, John D. Rockefeller, IV, Jon Tester, Sheldon Whitehouse, Frank R. Lautenberg, Sherrod Brown, Jeff Bingaman, John F. Kerry.

Mr. DODD. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, May 12, upon disposition of H.R. 3121; and that on Monday, May 12, all time after the Senate convenes until 5:30 p.m. be equally divided and controlled between the two leaders or their designees, with the mandatory quorum waived, and I withdraw the motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Dakota is recognized.

#### FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—Continued

##### AMENDMENT NO. 4731

Mr. THUNE. Mr. President, I have an amendment which I understand the manager for the majority will object to me calling up, but I would like to make some remarks about it, if I might, at this time.

Mr. DODD. Mr. President, if my colleague would yield, I appreciate his recognition of that. Again, our hope is something can be worked out. The objection is not based on the substance of the amendment as much as it is a question of whether the committee of jurisdiction which this matter is being considered under has raised some concerns with our colleague from South Dakota, and my hope is they can be resolved. So I would have to object if he brought up the amendment, but certainly I welcome his opportunity to talk about this amendment, and my hope is that between now and tomorrow sometime, whatever the differences are can be worked out, and we will be able to consider his amendment.

Mr. THUNE. I thank the chairman, the Senator from Connecticut, for those words. Let me, if I might, make a couple of remarks with regard to the amendment and again suggest that if at all possible, we could figure out a way to make it a part of this Flood Insurance Reform and Modernization

Act. I think it is very fitting on this bill. There are some jurisdictional issues that have been raised. But what I would like to point out is that this is a bill which obviously has a lot of important content and legislation that needs to be acted upon by the Congress, by the Senate. The amendment that Senator JOHNSON and I have offered is directly relevant to the bill because it seeks to reduce the potential impact of FEMA's revised flood map for residents of Sioux Falls, SD, which is the largest city in my State. Above all, this amendment allows the City of Sioux Falls to have the ability to advance the funds associated with the Big Sioux Flood Control Project which was authorized by the Congress in 1996.

Keep in mind, roughly 20 years ago, the U.S. Army Corps of Engineers determined that the original flood control project in Sioux Falls was ineffective due to two significant flood events that occurred in 1957 and in 1969. The city and the Federal Government have been working since 2000 to raise the height of the levees and to construct a dam. However, without the authority contained in this amendment, the completion of the Big Sioux Flood Control Project will languish until the Federal Government's remaining share of the project is appropriated.

Effectively, with roughly \$21 million in remaining Federal costs and the fact that the average funding provided by Congress over the past 7 years has been about \$2 million per year, the city is at the mercy of the Federal Government to complete this important project. If these flood protection improvements are not made, roughly \$750 million in property damage could result in homes and businesses in a major flood event.

Adding to the urgency for completing this important flood control project is the fact that following Hurricane Katrina, the Federal Emergency Management Agency proposed modifications to the city's 100-year flood plain, just as FEMA has done in other communities across the country, to ensure that homeowners are aware of potential flood risks. As a result of FEMA's proposed flood plain modifications in Sioux Falls, until the Army Corps certifies completion of its project, roughly 1,600 homeowners and businesses will be required to purchase flood insurance. The quickest way to eliminate or reduce the need for flood insurance for the 1,600 homeowners and businesses is to complete construction of the Big Sioux Flood Control Project as soon as possible.

While the city has expressed a willingness to advance fund the Federal Government's remaining portion of the project, this would require Congress to act in a couple of ways. One is to allow the Army Corps to accept advance funding from the city for the Federal Government's portion of the project; second, to authorize the Army Corps to reimburse the city through future appropriations from the Federal Government's portion of the project.

This straightforward amendment doesn't add any costs to the Federal Government. In fact, allowing the city to advance fund the remainder of the project would actually reduce the Federal Government's overall cost because the project would be completed in a much shorter timeframe.

Such authorities have been extended to other Federal flood control projects in the past. Senator JOHNSON and I are simply seeking additional flexibility that will allow the city to expedite construction of the Big Sioux Flood Control Project. I believe the city's willingness to advance fund this flood control project underscores their commitment to finishing this much needed project.

I look forward to working with the bill managers to try to get this amendment voted on, to get it included in the underlying bill as we work to reform our Nation's flood insurance program.

I hope we can work through this jurisdictional issue because this is an issue of timing. There is another WRDA bill that may come down the road, but the last one took 7 years to get on the floor of the Senate. I don't believe the next one will take that long. In any case, the city of Sioux Falls—the largest community in my State—is looking at 11 years to complete this project.

As soon as FEMA designates this flood plain, 1,600 homeowners will be faced with an insurance bill. All the city is trying to do is take the initiative to complete this project in a more timely way by advance funding it and then allowing the Federal Government, through the Corps, to reimburse through what would be annual appropriations, which could take perhaps 11 or more years to get. I think this is a commonsense, practical solution. The city has stepped forward on this. I hope we can include it in this bill before we get to final passage.

Thank you, Mr. President.

I thank the Senator from Connecticut.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that all amendments to S. 2284 must be offered during Thursday's session, May 8; that the only amendments in order on Monday be the pending substitute amendment; further that a managers' amendment still be in order if cleared by the managers and leaders, the McConnell amendment No. 4720, with the Allard amendment No. 4721 withdrawn prior to a vote in relation to the McConnell amendment; a Reid and others amendment relating to

the subject of energy; that the McConnell and Reid amendments be subject to a 60-affirmative-vote threshold; that if either amendment achieves that threshold, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if neither achieves the 60-affirmative-vote threshold, then it be withdrawn; that the vote with respect to the McConnell amendment No. 4720 occur at 5:30 p.m. Monday, May 12, to be followed by a vote in relation to the Reid, et al., amendment; that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to; the bill read a third time, and the Senate then vote on passage of S. 2284, as amended; further that the previous order which referenced H.R. 3121 be changed to reflect passage of a flood insurance bill, either S. 2284 or H.R. 3121, and the cloture motion on amendment No. 4720 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank all involved. I thank the majority staff, the minority staff, and the respective Members who helped us put this agreement together. Basically, what it says is we have to offer, debate, and vote on all amendments by the end of business tomorrow, and then leaving off until next week the issue involving the energy issues which the majority leader talked about earlier this evening. That will allow us to hopefully complete consideration of the flood insurance bill.

I know I speak for Senator SHELBY and other members of the committee, as I mentioned earlier, we passed this bill unanimously out of the Banking Committee some months ago. The fact that we will be able to come to closure on the bill by the end of business tomorrow is good news for literally millions of people who are counting on having a good flood insurance program.

I would like to make some unanimous consent requests.

#### MORNING BUSINESS

Mr. DODD. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### USS "COLE" INVESTIGATION

Mr. FEINGOLD. Mr. President, this past weekend a front page article in the Washington Post reminded us of the devastating attack on the USS *Cole* and the inability—or unwillingness—of the administration to see the investigation to the finish line. Nearly 8 years since the attack on the *Cole*, and 6½ since September 11, 2001, an attack directly linked to al-Qaida—and to bin Laden himself—remains stalled, at best, with few answers to key questions.

I would like to take a minute to remind my colleagues of the attack I am referring to—an attack perhaps not as seared into our memories as those horrific ones of 9/11, but one that is equally as painful for those who lost loved ones and are still waiting to hold someone to account. On October 12, 2000, as the USS Navy destroyer *Cole* stopped briefly to refuel in the harbor of Aden, Yemen, it was attacked by a small boat loaded with explosives. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin. At least 39 others were wounded. According to the 9/11 Commission Report, "The plot . . . was a full-fledged al Qaida operation, supervised directly by [Osama] bin Laden." Although teams from the FBI and other U.S. agencies were immediately sent to Yemen to investigate, the Yemeni government was hesitant to participate in the investigation.

While the Yemenis eventually agreed to a joint investigation, the 9/11 Commission Report notes that the CIA described Yemeni support for the investigation as "slow and inadequate" and that in the early stages of the investigation President Clinton, Secretary Albright, and others had to intervene to help. What followed was a number of arrests by the Yemeni government of people connected to the attack—including those found to have close links to al-Qaida—but less than 3 years after their arrest, 10 were able to escape from prison.

Shortly after the jail break, the Justice Department unveiled a 51-count indictment against two of the escapees, including cell leader Jamal al-Badawi. Both were indicted on various terror offenses, included the murder of U.S. nationals and U.S. military personnel. Yet Yemen refused to extradite al-Badawi. Despite a trial in 2004 that condemned him to death—a sentence which was later reduced to 15 years in prison al-Badawi dug his way to freedom in 2006 with a number of other convicts. Although he surrendered 20 months later, al-Badawi was able to strike a deal with the government which rendered him a free man. No one has been charged in U.S. courts and none of those imprisoned remain behind bars. The USS *Cole* investigation remains unfinished as there has been no real accountability for the deaths of 17 Americans.

I am deeply troubled by the message we are sending to our enemies by allowing this investigation to languish, while many of those involved in the attack walk free. Since 2003, I have repeatedly requested information from the State and Defense Departments, CIA, and FBI about these attacks, the circumstances surrounding the detention and escape of the suspects, and efforts to find and detain those involved. In 2006, I wrote to Secretary Rice and the Director of National Intelligence, DNI, expressing grave concern about al-Badawi's multiple escapes and in 2007 I strongly condemned the Yemeni government's decision to release him.